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19
20 UNITED STATES DISTRICT COURT
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA
22

23 BRANDON JOE WILLIAMS,
24 Plaintiff,
25 v.
26 UNITED STATES SMALL
27 BUSINESS ADMINISTRATION,
28 Defendant.

No. CV 24-9553

NOTICE OF REMOVAL OF CIVIL
ACTION

[28 U.S.C. § 1442(a)]

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE *PRO SE*
 2 PLAINTIFF:

3 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1442(a)(1), Defendant
 4 United States Small Business Administration (“Defendant” or “SBA”) hereby removes
 5 to this Honorable Court the State Court action described below. The grounds for this
 6 removal are as follows:

7 1. On September 20, 2024, Brandon Joe Williams, appearing in *pro se*,
 8 (“Plaintiff”) filed a civil action against the Defendant in the Superior Court of the State
 9 of California for the County of Los Angeles (“State Court”), entitled as *Brandon Joe*
 10 *Williams v. United States Small Business Administration*, case number 24NNCV04461.
 11 A copy of the Complaint is attached as Exhibit 1. A copy of the proof of service is
 12 attached as Exhibit 2.¹ A copy of all other pleadings received to date are attached as
 13 Exhibit 3. A copy of the State Court docket is attached as Exhibit 4.

14 2. The Complaint alleges that in May of 2020, Plaintiff was approved for an
 15 Economic Injury Disaster Loan (the “Loan”) through the SBA, in an original amount of
 16 \$59,000. Exh. 1 ¶ 6 (“Compl.”). For the Loan in the original amount, he signed a
 17 promissory note. *Id.* ¶¶ 8-9. On December 14, 2021, Plaintiff applied and modified the
 18 Loan to increase the total amount to \$198,700. Compl. ¶ 7. For this increased Loan,
 19 Plaintiff signed a second promissory note. *Id.* ¶ 9. Plaintiff alleges that when he signed
 20 the first and second promissory notes for these loans, he was unaware of their terms and
 21 conditions. *Id.* ¶¶ 8-9 Prior to filing suit, Plaintiff sent a series of notices and a document
 22 he titled an “Affidavit Novation” whereby he sought to unilaterally rescind the
 23 promissory notes that secured the Loan. *Id.* ¶¶ 12-17, 19.

24

25 ¹ Plaintiff’s proof of service names a “law firm” in the caption. Plaintiff Brandon
 26 Joe Williams is not represented by “Williams and Williams Law Group.” This “entity” is
 27 appears to be associated with Plaintiff’s personal website. See website of “Williams and
 28 Williams Law Group,” <https://www.williamsandwilliamslawfirm.com/about> (last visited Nov. 5, 2024). The State Court’s docket also lists Plaintiff without an attorney of record.
See Exh. 4.

1 3. In the Complaint, Plaintiff purports to assert claims against the SBA for
 2 breach of contract, breach of fiduciary duty, “currency” cause of action, contract fraud,
 3 conversion, unjust enrichment, violation of California Business and Professions Code §
 4 17200, *et seq.*, violation of California Penal Code §§ 496, 236.1, 487, and a criminal
 5 violation of California Corporations Code § 25541. *Id.* ¶¶ 20-64.

6 4. This action is one which must be removed to this Court pursuant to 28
 7 U.S.C. § 1442(a)(1), which authorizes the removal of civil actions against “[t]he United
 8 States or any agency thereof ...” to the district court embracing the place where the
 9 action is pending. Defendant is a federal agency and is entitled to, among other things,
 10 the federal defense of sovereign immunity, the derivative jurisdiction doctrine, federal
 11 defenses relating to the exhaustion of administrative claim requirements, and federal
 12 defenses towards jurisdictional limitations of certain types of tort liability and damages
 13 claims. *See* 28 U.S.C. § 2671, *et seq.*

14 5. Plaintiff has not served the SBA as required by Rule 4(i). *See* Fed. R. Civ.
 15 P. (4(i)(2). In *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 356 (1999),
 16 the Supreme Court held that service must be complete before the 28 U.S.C. § 1446(b)-
 17 time limits for removal begin to run. Plaintiff’s alleged proof of service for the SBA filed
 18 in the State Court on October 1, 2024, is defective. *See* Exh. 2. There is no evidence filed
 19 in the State Court demonstrating Plaintiff served the United States and the SBA in
 20 compliance with the Federal Rules of Civil Procedure 4. *See* Fed. R. Civ. P. 4(i)(1)
 21 (requiring service of process on the Attorney General of the United States, in addition to
 22 the United States Attorney’s Office); *see also* Fed. R. Civ. P. 4(i)(2) (requiring service of
 23 process on the United States and also requiring mailing of copies of the summons and of
 24 the complaint by registered or certified mail to a United States agency or corporation).
 25 Plaintiff only attempted personal service on the SBA at a location facially appearing to
 26 be the SBA’s office located in Washington D.C. Exh. 2 at 1. The proof of service also
 27 does not list the individual who was authorized to receive service on behalf of the SBA.
 28 As such, Plaintiff has not demonstrated that service was proper in accordance with Rule

1 4. *See Brockmeyer v. May*, 383 F.3d 798, 801 (9th Cir. 2004) (“Once service is
 2 challenged, plaintiffs bear the burden of establishing that service was valid under Rule
 3 4.”). Accordingly, the time for this case to be removed pursuant to 28 U.S.C. § 1446(b)
 4 has not begun to run and, thus, removal is timely.

5 6. Promptly after filing this notice, the SBA shall give written notice of this
 6 removal to the adverse party and to the Clerk of the State Court. *See* 28 U.S.C.
 7 § 1446(d).

8 7. This Court is the proper district and division to hear this case because
 9 Plaintiff brought this action in the Superior Court of the State of California for the
 10 County of Los Angeles. *See* 28 U.S.C. § 1442(a).

11 8. Because this notice is filed on behalf of a federal agency, no bond is
 12 required under the terms of 28 U.S.C. § 2408.

13 WHEREFORE, Defendant removes this action now pending in the Superior Court
 14 of the State of California for the County of Los Angeles, Case No. 24NNCV04461, to
 15 the United States District Court for the Central District of California.

16 Dated: November 5, 2024

17 Respectfully submitted,

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 20 DAVID M. HARRIS
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 23 JOANNE S. OSINOFF
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 27 /s/ *Alexander L. Farrell*
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 31 Business Administration